

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

ORVILLE GANADONEGRO,

Plaintiff,

v.

Civ. No. 18-784 GJF

NANCY A. BERRYHILL, *Acting
Commissioner of the Social Security
Administration,*

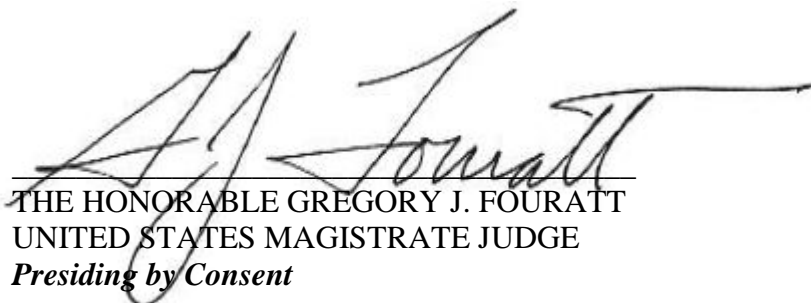
Defendant.

**ORDER GRANTING STIPULATION TO AWARD OF
ATTORNEY FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' Stipulation of Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 [ECF 21], **HEREBY ORDERS** that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to his attorney in the amount of \$4,686.40. See *Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575,580 (10th Cir. 1986). and will GRANT it.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent